

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Doherty

Plaintiff(s),

Revised
**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

v.

Bice, et al

18 Civ. 10898 (AEK)

Defendant(s).

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. This case [is] [is not] to be tried to a jury (circle one). when applicable
2. The parties may amend the pleadings or join additional parties before N/A. Thereafter, amended pleadings may not be filed and additional parties may not be joined without consent of the opposing party or leave of the Court.
3. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by N/A.
4. Fact Discovery

The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and Judge Krause's Individual Practices. The interim deadlines in paragraphs 4(b) through 4(e) may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 4(a).

- a. All fact discovery must be completed by 3/11/22.
- b. Initial requests for production of documents must be served by N/A. Any subsequent requests for production must be served no later than 30 days before the fact discovery deadline.
- c. Interrogatories must be served by N/A. Any subsequent interrogatories must be served no later than 30 days before the fact discovery deadline.

- d. Non-expert depositions must be completed by 3/11/22. Absent an agreement between the parties or an order from the Court, non-party depositions must follow initial party depositions.*
- e. Requests to admit must be served by 2/9/22, and in any event no later than 30 days before the fact discovery deadline.

5. Within 14 days of the completion of fact discovery, counsel and any unrepresented parties must meet to discuss settlement. The parties must file a joint letter concerning settlement within 21 days of the completion of fact discovery. The letter must include a statement as to whether the parties propose using any of the following alternative dispute resolution mechanisms: (i) a settlement conference with the Court; (ii) participation in the Court's Mediation Program; and/or (iii) retention of a private mediator. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order absent express permission from the Court.

6. Expert Discovery

- a. All expert discovery, including expert depositions, must be completed by 5/31/22.
- b. Plaintiff's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by 4/8/22. Plaintiff will identify any expert and general description by 3/11/22.
- c. Defendant's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by 5/6/22.
- d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).

7. **ALL DISCOVERY MUST BE COMPLETED BY 5/31/22.**
(Absent exceptional circumstances, this date should align with the completion of all expert discovery in paragraph 6(a).)

8. All motions and applications must be governed by the Court's Individual Practices. Should either party wish to file a summary judgment motion, the parties must, within 14 days of the close of all discovery, submit a joint letter that either sets forth a joint proposed briefing schedule or sets forth the parties' respective proposals for summary judgment briefing schedules.

* Plaintiff to produce psychiatric records as set forth in the Order dated 9/15/21 by 1/28/22. Defendant to supply letter to Court regarding any disagreements regarding production by 2/11/22 and plaintiff to provide response by 2/17/22. Any unresolved disputes to be addressed at conference on 2/28/22.

9. Unless otherwise ordered by the Court, the parties must submit a proposed Joint Pretrial Order for approval within 30 days after the date for the completion of all discovery, or, if a summary judgment motion has been filed, within 30 days after a decision on the motion. The proposed Joint Pretrial Order must be prepared in accordance with Judge Krause's Individual Practices, and the parties must also comply with Judge Krause's Individual Practices with respect to the filing of other required pretrial documents.
10. The parties have conferred and their present best estimate of the length of the trial is 3 to 5 days.
11. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court (except as provided in paragraphs 5(f) and 6(d) above).

Dated: January 12, 2022
White Plains, NY

SO ORDERED.



Andrew E. Krause
United States Magistrate Judge